

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv421

ANTHONY JOHNSON,

Plaintiff,

vs.

OLD DOMINION FREIGHT LINE, INC.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 24].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge David S. Cayer was designated to consider this Motion and to submit recommendations for its disposition.

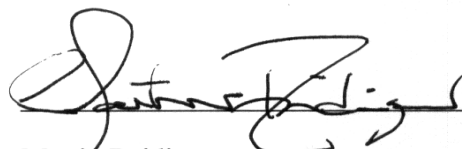
On May 19, 2009, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 29] in which he recommended denying the motion to dismiss. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within

ten days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Doc. 29 at 5]. The period within which to file objections expired on June 8, 2009 and no written objections to the Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Dismiss [Doc. 24] is hereby **DENIED**.

Signed: June 11, 2009


Martin Reidinger
United States District Judge

